

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

VS.

LORENZO AVENDANO-RAMIREZ,

Defendant.

8:00cr52

# MEMORANDUM AND ORDER

This matter is before the court on filing no. 90, the Motion for Leave to Proceed In Forma Pauperis filed by the defendant, Lorenzo Avendano-Ramirez, in connection with his Notice of Appeal (filing no. 89). The defendant appeals the Memorandum and Order (filing no. 85) and Judgment (filing no. 86) in which I denied his Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody. Upon review of the record, including the petitioner's certified trust account information (filing no. 91), filing no. 90 is granted. I have previously denied a Certificate of Appealability (filing no. 88).

THEREFORE, IT IS ORDERED:

1. That filing no. 90 is granted, and the defendant may proceed in forma pauperis on appeal; and
2. That the Clerk of Court shall process this appeal to the Eighth Circuit Court of Appeals.

DATED this 20th day of June, 2005.

BY THE COURT:

s/ Joseph F. Bataillon

Joseph F. Bataillon  
Chief District Judge